

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Max Gross	Team: Team # 3	CCRB Case #: 201106805	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/24/2011 11:00 PM	Location of Incident: § 87(2)(b)	Precinct: 68	18 Mo. SOL 11/24/2012	EO SOL 11/24/2012	
Date/Time CV Reported Wed, 05/25/2011 3:25 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 05/25/2011 3:25 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Qamar Zaman	02965	942738	068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edward Ryan	03745	907232	068 PCT
2. POF Alissa Popovic	25544	903484	068 PCT
3. POM Thomas Dillon	08888	915613	068 PCT
4. POM Nicky Lau	07047	942904	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Qamar Zaman	Force: Officer Qamar Zaman used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 25, 2011, Lieutenant Christopher Sabbatino of the 68th Precinct notified the Internal Affairs Bureau (IAB) that § 87(2)(b) was present inside of the 68th Precinct to file a complaint [Enc. 4A-B], resulting in IAB log 11-23678 [Enc. 6]. On the same date, a notification was also made to the CCRB by Sergeant Tanya Kinsella of the 68th Precinct regarding the complaint [Enc. 5].

On May 24, 2011, at approximately 10:30pm, police were called to § 87(2)(b) in Brooklyn after a report of a potential burglary in progress. The following allegation resulted:

- **Allegation A: Officer Qamar Zaman used physical force against § 87(2)(b)**

§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a white male who stands 5'4" and weighs 125 pounds. He has brown hair and brown eyes.

Statements to Medical Personnel [Enc. 7A-B]

On May 25, 2011, at 9:49am, § 87(2)(b) admitted himself to § 87(2)(b) in Brooklyn. § 87(2)(b) "complained of right wrist pain after falling to the ground last night. Patient states he was thrown to the ground by police officers." On June 2, 2011, § 87(2)(b) appeared at § 87(2)(b) and told the orthopedist that he fractured his wrist "when a police officer was arresting him."

Statements to the Internal Affairs Bureau [Enc. 8A-F]

On May 25, 2011, § 87(2)(b) was interviewed by Sergeant Michael Mensch and Detective Mark Dennis of IAB Group 54. § 87(2)(b)'s statements to the investigators from the Internal Affairs Bureau were consistent with the detailed statement he provided to the CCRB below.

CCRB Statement [Enc. 9A-G]

On June 6, 2011, § 87(2)(b) was interviewed at the CCRB. Early in the evening of May 24, 2011, § 87(2)(b) was at the Alcohol Treatment Center where he was temporarily residing (located at 1140 Pacific Street in Brooklyn), when he received a phone call explaining that his mother, § 87(2)(b) was in the emergency room at § 87(2)(b) § 87(2)(b) who has dementia, was found unconscious on her kitchen floor. When § 87(2)(b) arrived at the hospital, he spoke with his mother and she requested that he go to the apartment to feed her dog. She also informed him that the lock had been broken by the first responders so he would be able to gain access to the building without a key. § 87(2)(b) did not drink any alcohol or consume any illicit substances before travelling to § 87(2)(b) § 87(2)(b) to feed his mother's dog.

§ 87(2)(b) explained that § 87(2)(b) § 87(2)(b), which is a private two story row house in the Bay Ridge neighborhood, has been in the family for 50 years. Since the death of § 87(2)(b)'s father, there has been a dispute over the property between § 87(2)(b) and his siblings. § 87(2)(b) § 87(2)(b) resides on the second floor, and § 87(2)(b)'s niece, § 87(2)(b) lives on the

first floor. Before placing himself in the alcohol treatment center, § 87(2)(b) had been living with his mother in the upstairs apartment, and his New York State identification card lists § 87(2)(b) as his permanent residence. However, about a week prior to the incident, § 87(2)(b) (§ 87(2)(b)'s brother-in-law) had requested he sign a piece of paper demanding he vacate the premises within an unspecified period of time. § 87(2)(b) elaborated that the family is attempting to get § 87(2)(b) into assisted living so they can sell the house. They hoped by evicting § 87(2)(b) they would be able to expedite the process of removing § 87(2)(b) into an assisted living situation.

§ 87(2)(b) arrived at § 87(2)(b) at approximately 10:30pm. § 87(2)(b) walked from the hospital directly to the house, and he went around the back driveway and scaled a two story drain pipe to get through an unlocked window and into the upstairs apartment. § 87(2)(b) did not ring the front door bell because he did not want to anger § 87(2)(b). He did not call ahead of time to inform § 87(2)(b) of his intentions.

After § 87(2)(b) climbed through the window, he fed the dog and sat down at the kitchen table and began drinking a glass of water and watching television. After approximately five minutes, § 87(2)(b) saw some flashlights coming up the internal stair case and he observed approximately 5 uniformed officers walking up the stairs. The CCRB identified the officers who responded to the scene via the SPRINT report as Sergeant Edward Ryan, Officer Nicky Lau, Officer Qamar Zaman, Officer Thomas Dillon, and Officer Alissa Popovic (all of the 68th Precinct). § 87(2)(b) explained that the second story is not its own separate apartment and is connected by an unobstructed internal staircase. The officers arrived upstairs and asked § 87(2)(b) for identification. § 87(2)(b) gave the officers his identification and told them he lived there. The officers radioed "all clear" and requested that § 87(2)(b) come outside of the house to speak with them. § 87(2)(b) complied and went outside of the house with the officers.

Outside, the officers stood in front of § 87(2)(b), and § 87(2)(b) stood on the sidewalk near the line of parked cars and began to discuss the situation. Meanwhile, § 87(2)(b) came outside and began standing on the stoop and yelling, "We don't want him here! We are trying to evict him!" In turn, § 87(2)(b) started yelling at § 87(2)(b) that "My mother wanted me to come!" An extended verbal argument between § 87(2)(b) and § 87(2)(b) ensued, while Sergeant Ryan and Officer Popovic were trying to mitigate the situation. § 87(2)(b) acknowledged that he was yelling at § 87(2)(b) and also that he was "getting an attitude with the officers." § 87(2)(b) denied attempting to walk towards § 87(2)(b) at any point, or flailing his arms or making any sort of aggressive maneuver towards her. He stated that the officers did not physically intervene between him and § 87(2)(b).

§ 87(2)(b) informed the officers that he simply wanted to get his dog, but he heard the officers suggesting that the dog would be taken to the ASPCA. This angered § 87(2)(b) and he exclaimed "Enough of this bullshit!" One officer, identified by IAB and also through his CCRB statement as Officer Zaman, became annoyed by § 87(2)(b)'s conduct and approached § 87(2)(b) and got into his face and said, "Why don't you shut up!" Officer Zaman then grabbed him by both of his shoulders and "pushed him sideways" causing him to slide off the hood of the car. § 87(2)(b) stated repeatedly that this action was not prompted as a response to any of his physical behavior, rather simply due to his verbal interactions with § 87(2)(b) and the officers. § 87(2)(b) landed on his right wrist and he immediately felt sharp pain and "popping" sensation. Aghast, § 87(2)(b) got up and stated, "You broke my wrist!" Officer Zaman stated, "I wish I could arrest you." § 87(2)(b) retorted, "You wouldn't be such a tough guy without that goddam badge on." § 87(2)(b) did not request the officers to give him medical treatment, and no officers asked him if he wanted to go the hospital. He informed the IAB investigators that he did not complain further about his injury since he feared if he pushed the issue he would be arrested.

After it was verified that § 87(2)(b) had resided at the apartment and was not yet legally evicted, Sergeant Ryan asked § 87(2)(b) “What would it take for you to leave?” § 87(2)(b) told Sergeant Ryan that if he was allowed to retrieve his dog and his cell phone he would leave the scene. The officers retrieved the dog and § 87(2)(b)’s cell phone from the upstairs apartment and § 87(2)(b) subsequently left the scene and slept at his sister’s apartment. § 87(2)(b)’s wrist was in pain but he did not feel like going to the hospital that evening. The following morning (§ 87(2)(b)), § 87(2)(b) went back to § 87(2)(b) to visit his mother. After stopping in, § 87(2)(b) went down to the emergency room to have his wrist checked out. § 87(2)(b) was diagnosed with a fractured right wrist.

Notice of Claim [Enc. 10A-B]

On July 22, 2011, § 87(2)(b) filed a notice of claim against the City of New York for an undisclosed amount. The brief statement that he provided on that claim is consistent with the narrative he provided above.

Witness: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a white female who stands 5’2” and weighs 110 pounds. She has brown hair and brown eyes. She resides in the bottom floor of § 87(2)(b) § 87(2)(b) with her husband, § 87(2)(b)

CCRB Statement [Enc. 11A-F]

On July 1, 2011, § 87(2)(b) was interviewed inside of her residence located at § 87(2)(b) § 87(2)(b) in Brooklyn. § 87(2)(b) confirmed that the family had been having a conflict over the property for several years, and that she and her uncles had begun eviction procedures for § 87(2)(b) prior to the incident. § 87(2)(b) and § 87(2)(b) had recently signed and notarized an agreement stating that they would leave the premises to avoid an eviction procedure. The notice had not been dated and did not specify a timeframe for leaving. Prior to the incident, § 87(2)(b) thought said document was legally binding and thought § 87(2)(b) had permanently vacated the property. To her knowledge, § 87(2)(b) had been living in a rehab facility in § 87(2)(b) since he left. According to § 87(2)(b) § 87(2)(b) has a history of substance abuse and violent behavior, as he has threatened family members in the past including her husband, § 87(2)(b)

After § 87(2)(b)’s removal to the hospital on § 87(2)(b), the front door’s lock had been compromised causing § 87(2)(b) to change the lock herself with an “at-home” kit. As such, on § 87(2)(b) § 87(2)(b) possessed the only working key for the front door.

At approximately 11:00pm, § 87(2)(b) was at home with her husband, when she heard some banging from the upstairs apartment through the floor. It sounded like something had been knocked over inside of the apartment in the upstairs bedroom above theirs (the back left bedroom). She looked outside and noticed that the lights from the upstairs apartment were on. Since she had the only copy of the new key, she knew that whoever was in the upstairs apartment gained illicit entry. As a result, she called 911. § 87(2)(b) stated that she and her husband “expected” that it was § 87(2)(b) but due to their history, they still felt unsafe about confronting him without the police.

Several police units arrived, and five uniformed officers entered their apartment and were briefed on the situation. The officers told them to remain in the first story apartment, and two or three of the officers used § 87(2)(b)’s keys to gain entry to the second story apartment and investigate who was upstairs.

The officers went upstairs and found § 87(2)(b) in the apartment. The officers immediately brought him down the stairs and to the front of the building where they began to

question him. At some point, § 87(2)(b) and § 87(2)(b) stepped outside as well. § 87(2)(b) could not recall the circumstances or impetus which led her to go outside. § 87(2)(b) explained that they were following the officers' directives and they went outside likely because the officers asked them to step outside. From within the apartment (since their windows were open), § 87(2)(b) could hear the officers talking to § 87(2)(b) out in front, but she could not hear what they were talking about. § 87(2)(b) stated that § 87(2)(b) wasn't yelling but he sounded like he was arguing with the officers.

Outside, § 87(2)(b) stood on the front stoop where she observed § 87(2)(b) standing by the curb in front of a parked car, approximately eight feet away. § 87(2)(b) had been outside with the officers for 5-10 minutes before they came outside. Once outside, § 87(2)(b) began to argue with § 87(2)(b). The argument was prompted by § 87(2)(b) verbalizing her desire to the officers that she felt § 87(2)(b) should be arrested, and § 87(2)(b) directing insulting words towards § 87(2)(b), § 87(2)(b) and § 87(2)(b). "exchanged some words, but not really anything threatening." An officer, identified as Officer Zaman (described as a Hispanic/light skinned black male, approximately 6'0" feet tall) stood by where § 87(2)(b) was to "prevent him from running towards them." § 87(2)(b) clarified that Officer Zaman simply stood in the way of § 87(2)(b) as he yelled and huffed up his chest. § 87(2)(b) was holding the leash to his dog and waving his hands above his head and pointing at § 87(2)(b) and he continued to yell angry words about her. § 87(2)(b) did not try to walk towards them, but was pacing on the sidewalk back and forth parallel to them. Officer Zaman repeatedly told § 87(2)(b) to calm down, because he kept yelling and interjecting when they officers were trying to speak to § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) stated that no officer had to physically prevent § 87(2)(b) from walking towards her. § 87(2)(b) did not see any officer come into physical contact with § 87(2)(b) during the incident. She did not observe § 87(2)(b) on the ground at any point. § 87(2)(b) did not observe any officer at the scene push § 87(2)(b) to the ground or grab him by the shoulders and throw him to the ground. § 87(2)(b) did not see § 87(2)(b) strike his arm or hand on any object.

The incident ended when the police officers informed § 87(2)(b) that they could not force § 87(2)(b) to leave to premises or arrest him, since the document they had him sign was not legally binding and he was still entitled to live in the building. However, § 87(2)(b) agreed to leave for the evening after retrieving his dog.

Witness: § 87(2)(b) [Enc. 14]

On July 12, 2011, § 87(2)(b) provided a phone statement to the CCRB regarding the incident. His statement was consistent to that provided by his wife, and indicated that he never saw any officer push § 87(2)(b) to the ground nor observed § 87(2)(b) on the ground at any point while he was standing on the stoop with the officers.

Witness: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a white female who stands 5'8" and weighs 160 pounds. She has brown hair and brown eyes. § 87(2)(b) was discovered as a witness during a canvass of § 87(2)(b), and she resides at § 87(2)(b).

CCRB Statement [Enc. 12A-D]

On July 1, 2011, § 87(2)(b) was interviewed in front of § 87(2)(b). On May 24, 2011, § 87(2)(b) had been seated on her stoop talking on her cell phone when she observed police officers arrive at § 87(2)(b) and escort § 87(2)(b) outside. She stated that she is

familiar with § 87(2)(b) like most residents of the block, as a confrontational drug addict who commonly feuds with his family members.

Once the officers got § 87(2)(b) outside, he was “acting all crazy” and attempting to run towards where § 87(2)(b) and § 87(2)(b) were standing on the stoop. § 87(2)(b) was standing by a chain link fence by the base of the stoop and yelling at § 87(2)(b) and trying to run past the police officers towards them. § 87(2)(b) was making a scene, screaming profanity at § 87(2)(b) and § 87(2)(b) including making physical threats against them indicating that he was going to kill them. The officers had to stand in § 87(2)(b)'s way to block him from getting to the stoop. There were approximately five officers standing between the stoop and § 87(2)(b). The officers were telling § 87(2)(b) to “shut up.”

After he made repeated attempts to walk towards the stoop, § 87(2)(b) stated that she observed Officer Zaman (described as a 6'1" Hispanic or Indian male) give § 87(2)(b) “a little push.” According to § 87(2)(b) Officer Zaman pushed § 87(2)(b) with one hand extended “gently” after § 87(2)(b) made repeated attempts to move past him towards § 87(2)(b) and § 87(2)(b). His hand pushed against § 87(2)(b)'s arm. In response to the push, § 87(2)(b) stepped backwards dramatically. § 87(2)(b) stated it appeared that he intentionally overreacted to the push). As he moved backward, § 87(2)(b) appeared to trip over his own feet. § 87(2)(b) fell backwards onto the ground and landed on his side and began rolling around on the ground theatrically and yelling. § 87(2)(b) then stood back up, and walked up towards Officer Zaman aggressively appearing as if he wanted to fight him but stopped at the last second, before turning around and immediately leaving the area. The following day, § 87(2)(b) saw § 87(2)(b) on the block with a cast on the arm, boasting about how he intended on suing the police department.

Additional Attempts to Contact Civilians [Enc. 13]

On July 1, 2011, a canvass was conducted of the surrounding homes on § 87(2)(b) § 87(2)(b) § 87(2)(b). The canvass only yielded § 87(2)(b)'s verified statement.

NYPD Statements:

Subject Officer: OFFICER QAMAR ZAMAM

- *Officer Zaman was § 87(2)(b) old at the time of the incident. He is an Asian male (medium complexion) who stands 6'1" and weighs 220 pounds. He has black hair and brown eyes.*
- *On May 24, 2011, Officer Zaman worked from 3:00pm to 11:35pm and was assigned to work the summons automobile. He was working alone, dressed in uniform, working in a marked RMP (#4909).*

Memo Book [Enc. 15A-D]

Officer Zaman made memo book entries reflecting that he responded to a burglary in progress and that he stopped § 87(2)(b) in the second story living room. He also wrote that he completed a Stop, Question and Frisk Report in regards to the stop.

UF-250 Stop, Question, and Frisk Report [Enc. 16A-B]

Officer Zaman completed a Stop, Question and Frisk report in regards to his interaction with § 87(2)(b). Officer Zaman stopped § 87(2)(b) under the suspicion of burglary and indicated “report from victim/witness”, “that he fits the description” and conducted “actions indicative of engaging in violent crimes.” The report also notes that “hands on suspect” was the level of force used during the stop.

CCRB Statement [Enc. 17A-C]

On September 28, 2011, Officer Zaman was interviewed at the CCRB. On May 24, 2011, while on patrol at approximately 11:00pm, Officer Zaman heard a report of a burglary in progress go over the radio. He was several blocks away from the location, and in turn responded to § 87(2)(b). Officer Zaman was the first officer to arrive; although an additional patrol unit arrived shortly thereafter (Officer Zaman could not recall which was the second unit to arrive).

Two individuals, identified as § 87(2)(b) and § 87(2)(b) came to the door and spoke with the officers. § 87(2)(b) was brandishing a baseball bat, and § 87(2)(b) was crying. They informed him that an individual had climbed up some pipes on the back of the building and into the upstairs apartment and gained entry through the window. They informed Officer Zaman that they believed the individual still to be upstairs.

Officer Zaman and the responding were allowed entry into the stairway leading to the adjacent apartment, and with their guns drawn they entered the apartment and encountered § 87(2)(b) sitting in the living room watching television. Officer Zaman pointed his firearm at § 87(2)(b) and told him to put his hands in the air. § 87(2)(b) complied, but exclaimed “This is my house!” Officer Zaman walked towards § 87(2)(b) and when he realized that there was no threat, he lowered his firearm and requested that § 87(2)(b) step outside of the apartment with him. § 87(2)(b)'s physical condition appeared fine, and he did not appear injured. It did not appear as if § 87(2)(b) was intoxicated at the time.

§ 87(2)(b) complied, and they walked out of the apartment downstairs together. Officer Zaman walked in front of § 87(2)(b) and two other officers walked behind him on the way out. Outside, § 87(2)(b) began standing on the sidewalk near the street. Another unit had arrived, and were speaking with the landlords by the front entrance.

Officer Zaman ascertained that § 87(2)(b) had resided in the building with his mother and had been locked out of the apartment while the mother was in the hospital. While the officers were trying to figure out what was going on, § 87(2)(b) repeatedly walked towards § 87(2)(b) and § 87(2)(b) “going back and forth” with them regarding the circumstances of the situation. Officer Zaman put his arms up and said, “Sir, listen. You can’t go up there until we are done with the investigation.” § 87(2)(b) kept walking back and forth, and was yelling over Officer Zaman’s shoulder. He stated more sternly, “Listen, stop! You’re making it worse than it is.” Meanwhile, several neighbors from next door came outside because § 87(2)(b) was making a scene. § 87(2)(b) had been yelling that he was “good to § 87(2)(b) and § 87(2)(b) and something to effect that they were responsible for causing his mother’s death. § 87(2)(b) was being demonstrative while yelling, throwing his hand up above his head.

To impede § 87(2)(b) from walking towards § 87(2)(b) and § 87(2)(b) Officer Zaman had to extend his arm out horizontally with his palm out facing towards § 87(2)(b). He did so to prevent § 87(2)(b) from going around him. He was standing in the middle of the sidewalk, in between the curb and the stoop, juxtaposed between § 87(2)(b) and the stoop. Officer Zaman stated that he did not push § 87(2)(b) but his hand did come into contact with § 87(2)(b)'s body as he attempted to walk past him. He explained that he used his arm to “slightly” move him back by coming into contact with § 87(2)(b)'s chest area. Officer Zaman’s forearm and palm came into physical contact with § 87(2)(b)'s chest in this manner approximately 5-6 times. § 87(2)(b) would momentarily stop at points after Officer Zaman gave him directives to “stop and relax”, but the ongoing argument between him and the land owners would agitate him again and cause him to start yelling and attempt to go around Officer Zaman again. Officer Zaman denied pushing § 87(2)(b) back, shoving him with his arms, or grabbing his shoulders and throwing him to the ground. He explained, “The only thing I did was [keep me arm] on him to keep him from going past me.” Officer Zaman’s actions did not cause § 87(2)(b) to fall to ground. Officer Zaman did not observe § 87(2)(b) on the ground during

the incident. § 87(2)(b) did not threaten Officer Zaman, and did not challenge him to a fight during the incident. At one point, Officer Zaman told § 87(2)(b) “Listen, let’s just take a walk a little up the block and we’ll see what’s really going on.” Officer Zaman wanted to separate the civilians further in the hopes of calming § 87(2)(b) down. § 87(2)(b) “wouldn’t shut up” and continued to attempt to walk past Officer Zaman towards § 87(2)(b) and § 87(2)(b). Officer Zaman placed his arm up in a similar manner to prevent § 87(2)(b) from getting to the civilians. § 87(2)(b) eventually walked up the block by himself, and did not need to be physically guided.

Officer Zaman was informed by the investigator that § 87(2)(b) sustained a fractured left wrist as a result of the incident. Officer Zaman believed that § 87(2)(b) had motive to falsely accuse him of misconduct since he was the officer with whom he was primarily dealing during the incident, and kept “holding him in his place.” Officer Zaman stated, “I know I didn’t push him to ground. I don’t remember if he fell to the ground as a result of my actions. I just extended my arm, and my arm didn’t push him hard.” Officer Zaman did not know how § 87(2)(b) sustained his alleged injury during the incident. Officer Zaman was presented with the Stop, Question and Frisk Report he completed. He indicated that he indicated “hands on his suspect” due to him extending his arm out in the manner described above.

Eventually, Sergeant Ryan walked up the block and spoke with § 87(2)(b) § 87(2)(b). § 87(2)(b) agreed to allow § 87(2)(b) to retrieve those belongings as long as he consented to leave. One of the officers went inside to retrieve the dog and § 87(2)(b)’s cell phone. After receiving the property, § 87(2)(b) left the scene without further incident. Before leaving, § 87(2)(b) was smoking a cigarette and did not complain of any injury or appear injured.

Witness Officer: SERGEANT EDWARD RYAN

- *Sergeant Ryan was § 87(2)(b) old at the time of the incident. He is a white male who stands 5’10” and weighs 196 pounds. He has brown hair and green eyes.*
- *On May 24, 2011, Sergeant Ryan worked from 2:00pm to 11:47pm and was assigned to be the patrol supervisor. He was working with Officer Lau, dressed in uniform, and was assigned to a marked Ford Explorer (#5609).*

Memo Book [Enc. 18A-B]

At 11:00pm, Sergeant Ryan noted that he responded to a burglary in progress at § 87(2)(b) § 87(2)(b).

CCRB Statement [Enc. 19A-C]

On September 8, 2011, Sergeant Ryan was interviewed at the CCRB. When Sergeant Ryan responded to the location, he encountered Officer Popovic, Officer Dillon, and Officer Zaman, standing in front of the § 87(2)(b) § 87(2)(b) with § 87(2)(b) as well as § 87(2)(b) and § 87(2)(b). Sergeant Ryan also believed that some neighbors were present at the scene, alerted by the police presence.

§ 87(2)(b) had been outside of the apartment yelling and screaming that he wanted to retrieve his dog. § 87(2)(b) was very irrational, and was yelling at § 87(2)(b) and § 87(2)(b). Sergeant Ryan immediately attempted to ascertain the situation, first interviewing § 87(2)(b) and § 87(2)(b) and then interviewing § 87(2)(b).

While Sergeant Ryan was trying to gain some clarity on the situation, § 87(2)(b) had been standing on the sidewalk, near the entrance to the house. The group of officers had been standing in front of the doorway, effectively blocking § 87(2)(b) from walking to where § 87(2)(b) and § 87(2)(b) were standing. § 87(2)(b) was upset, pacing back and forth, occasionally walking forward to state his case. From his erratic behavior, Sergeant Ryan believed

that § 87(2)(b) was possibly intoxicated. § 87(2)(b) continued to yell and scream that his mother lived inside of the apartment and he wanted to go inside of the apartment and retrieve his dog. § 87(2)(b) did not attempt to get past the officers into the house. § 87(2)(b) did not push his way through the officers. Sergeant Ryan could not recall § 87(2)(b) threatening the homeowners or doing anything physically threatening with his body. He elaborated that he mostly spoke to § 87(2)(b) and § 87(2)(b) while present at the scene and for a time actually stepped into their home to speak to them while the other officers remained outside with § 87(2)(b).

Officer Zaman had positioned himself on the sidewalk in front of § 87(2)(b) during the incident to prevent § 87(2)(b) from getting back into the building. It was “not to his understanding” that Officer Zaman came into physical contact with § 87(2)(b). Sergeant Ryan did not see Officer Zaman laying his hands on § 87(2)(b) to physically prevent him from entering the building. Sergeant Ryan did not observe Officer Zaman shove § 87(2)(b) down to the ground during the incident. Sergeant Ryan did not observe § 87(2)(b) on the ground during the incident.

§ 87(2)(b) did not complain to Sergeant Ryan that he was injured during the incident, and he did not appear injured. Sergeant Ryan was informed that § 87(2)(b) was alleging that his arm was broken during the incident. Sergeant Ryan stated that he “absolutely” did not observe any events while he was present which would have caused § 87(2)(b) to injure his arm. § 87(2)(b) never directly complained to Sergeant Ryan that his arm was injured during the incident. Sergeant Ryan did not see any officer come into physical contact with § 87(2)(b) during the incident.

Additional Officers Interviewed

Officer Popovic [Enc. 22A-B, 24A-B], Officer Dillon [Enc. 20A-C, 21A-C], and Officer Lau [Enc. 25A-D, 26A-B] were all interviewed at the CCRB in regards to this complaint. Both Officer Popovic and Officer Dillon provided statements extremely similar to that provided by Sergeant Ryan, indicating that they responded to the scene but did not see Officer Zaman push § 87(2)(b) to the ground, or seeing him on the ground at any point during the incident. Officer Lau had no recollection of the incident.

Medical Records [Enc. 27A-QQ]

On § 87(2)(b), § 87(2)(b) admitted himself to § 87(2)(b) complaining of pain to his right arm. After an x-ray, § 87(2)(b) was diagnosed with a non-displaced fracture to the right distal radius (right wrist). § 87(2)(b)'s right arm was splinted and he was advised to follow-up with an orthopedist in a week. On June 2, 2011, § 87(2)(b) returned to § 87(2)(b) and his arm placed in a hard cast.

Status of Civil Proceedings [Enc. 10A-B]

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming severe physical and mental injury as a result of the incident and claiming an undisclosed amount. 50H hearing were held § 87(2)(b).

Civilian Criminal History [Enc. 32A-V]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian CCRB History

- [§ 87(2)(b)] has filed the following CCRB complaint:

- [§ 87(2)(b)] [REDACTED]

Subject Officer CCRB History

- Officer Zaman has been a member of the service for five years and there are no substantiated CCRB allegations against him [Enc. 1].

Conclusion

Identification of Subject Officers

- Officer Zaman acknowledged coming into physical contact with [§ 87(2)(b)] and matched the physical description of the subject officer.

Investigative Findings and Recommendations

Allegation A: Officer Qamar Zaman used physical force against [§ 87(2)(b)]

It is undisputed that after being locked out of his apartment, [§ 87(2)(b)] gained entry to his second story apartment by climbing up a drain pipe and through a rear window. Based on Officer Zaman's testimony, it is also undisputed that he came into physical contact with [§ 87(2)(b)] in some fashion during the incident in order to prevent him from encroaching on [§ 87(2)(b)] and [§ 87(2)(b)] during a heated argument.

Patrol Guide Procedure 203-11 stipulates that officers are only permitted to use a minimal amount of force while affecting an arrest or otherwise undertaking a law enforcement objective [Enc. I-II].

[§ 87(2)(g)] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [§ 87(2)(b)] alleges that while leaning against a car, Officer Zaman approached him after he was angered by his antagonistic attitude and grabbed him by the shoulders and pushed causing him to slide off the hood of the car and to the ground. This caused him to land on and fracture his right wrist. Although his statements regarding his injury to medical personnel were consistent, [§ 87(2)(b)] did not seek medical treatment until the following morning, [§ 87(2)(g)] [REDACTED]

[REDACTED] Officer Zaman, who stated that he never pushed [§ 87(2)(b)] to the ground or observed him on the ground, indicated that he only came into contact with [§ 87(2)(b)] with his open palms while acting as a buffer and attempting to prevent him from walking towards [§ 87(2)(b)] and [§ 87(2)(b)]. None of the officers interviewed indicated

that they observed Officer Zaman pushing § 87(2)(b) to the ground or observing § 87(2)(b) on the ground. § 87(2)(b) and § 87(2)(b) both stated they never observed § 87(2)(b) being pushed to the ground.

However, § 87(2)(b) indicated that she observed § 87(2)(b) tripping over his own feet and falling backwards theatrically onto the ground after Officer Zaman pushed him “lightly” to prevent him from running at § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date